



# STATE OF UTAH

OLENE S. WALKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
SALT LAKE CITY  
84114-0601

GAYLE F. MCKEACHNIE  
LIEUTENANT GOVERNOR

March 23, 2004

The Honorable L. Alma Mansell  
President of the Senate  
and  
The Honorable Martin R. Stephens  
Speaker of the House of Representatives

Dear President Mansell and Speaker Stephens:

This is to inform you that on March 23, 2004, I decided, after careful consideration and study, to veto H.B. 140, CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

While I appreciate the concerns and concepts expressed in H.B. 140, I believe the bill has several technical flaws and should be further developed before becoming law. Significant questions and confusions linger about some of the major policy changes made in this bill. For example, I am particularly concerned about the new provisions having to do with a "mature minor". If this bill becomes law, it risks opening the door for minors, contrary to their parents' wishes, to seek judicial approval for health care decisions such as access to abortion, contraceptives, or other treatments. Such a major policy change deserves full and thorough discussion in an open public hearing before being added to the laws of our state.

There are a number of other concerns as well. The Judicial Council has pointed out that the bill now creates conflicting language as to the timing and manner for a judge to appoint the guardian ad litem. Such confusion has the potential to delay important court processes. The Judicial Council has also stressed that the bill purports to define the ethical responsibilities of attorneys, a function that constitutionally belongs to the Supreme Court. Serious questions have also been raised as to provisions allowing one party to influence the legal representation of another party the way this bill does. In addition, H.B. 140 may create new costs for the Juvenile Court, but provides no funding to pay for them.

Given the importance of these issues relative to the child welfare system in Utah, I strongly encourage the legislature to grapple with these topics during the next few months through either committees or its normal audit process. I appreciate Representative Christensen's efforts and concerns on these issues and pledge the full cooperation of the executive branch in seeking continuous improvement in the state's child welfare system.

Sincerely,

A handwritten signature in black ink, appearing to read "Olene S. Walker". The signature is fluid and cursive, with the first name "Olene" being more prominent and the last name "Walker" following in a similar style.

Olene S. Walker  
Governor